

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

RESPONSE OF THE UNITED STATES POSTAL SERVICE
IN OPPOSITION TO THE CARLSON MOTION TO COMPEL REGARDING
DFC/USPS-71(a.-b.) AND MOTION FOR LATE ACCEPTANCE
(August 9, 2001)

On July 31, 2001, Douglas Carlson filed a motion to compel responses to DFC/USPS-71(a.-b.). The Postal Service had filed objections regarding those items on July 27. Mr. Carlson now moves to compel, and the Postal Service hereby opposes his motion. The Postal Service moves for late acceptance of this opposition, which otherwise would have been due on Tuesday, August 7. The two-day delay was caused by counsel's absence from the office, and subsequent confusion regarding the actual filing date of the motion (which bears on its face the mailing date, rather than the filing date). The Postal Service submits that no party will be prejudiced by this delay, particularly since the Postal Service objection which prompted the motion was filed six days earlier than the end of the time period allowed by the rules.

The motion to compel involves one relatively simple question: Does the fact that the New York District on one holiday eve in one previous year (Monday, July 3, 2000) shifted from a weekday to a Saturday collection schedule make relevant and material the issue of whether all Saturday collection schedules in the New York District are set in accordance with the guidelines in the POM, in a proceeding supposedly limited to *holiday and holiday eve service*? The answer to this question appears obvious. Mr.

Carlson is attempting to take the concept of bootstrapping to heretofore unseen new heights. Parts a and b of item 71 put him well outside the scope of reasonable inquiry on matters relevant and material to this proceeding.

At some point, the real world must intrude on Mr. Carlson's vision of postal utopia. For example, on page 3, he complains about early morning Saturday collections in the Wall Street area, and asserts that the New York Stock Exchange was open for business until 1 p.m. on Monday, July 3, 2000, thereby demonstrating the harm caused by the shift to a Saturday schedule on that date. Yet the information in LR-4 indicates that streets below Canal Street, which include Wall Street, were on that date closed to vehicular traffic because of OpSail and the tall ships. How was the Postal Service supposed to make afternoon collections from boxes in that area? In fact, it was the impact of the street closures, not the shift to the Saturday schedule per se, which created the situation of which he complains. Mr. Carlson has seized upon this unique, temporary, and highly-localized condition as his example of why compliance with the POM of Saturday collection schedules is relevant to his holiday service complaint. In fact, it merely proves that the relationship between the irrelevant matters he wants to drag into this proceeding and the true issues material to the resolution of his complaint are even more attenuated than might appear at first glance.

Therefore, the Postal Service respectfully requests that the motion to compel responses to DFC/USPS-71 a.-b. be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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August 9, 2001

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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